

The Gazette of India



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, TUESDAY, AUGUST 18, 1953

MINISTRY OF LAW

New Delhi, the 18th August 1953

The following President's Act enacted on the 16th August, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION POLICE (INCITEMENT TO DISAFFECTION) ACT, 1953

No. I OF 1953

[16th August, 1953]

An Act to provide a penalty for spreading disaffection among the police and for kindred offences.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Police (Incitement to Disaffection) Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force at once.

2. Definition.—In this Act, the expression "member of a police-force" means any person appointed or enrolled for the performance of police duties under any enactment specified in the Schedule.

3. Penalty for causing disaffection, etc.—Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards any Government established by law in India amongst the members of a police force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of a police force to withhold his services or to commit a breach of discipline shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

4. Offences not to be tried without sanction of District Magistrate.—No Court shall proceed to the trial of any offence under this Act except with the previous sanction, or on the complaint, of the District Magistrate.

5. Trial of cases.—(1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under this Act,—

- (a) shall be cognizable and non-bailable, and
- (b) shall not be triable summarily.

THE SCHEDULE

(See section 2)

1. The Patiala Police Act, 1985 Bk. (Patiala Act No. II of 1985 Bk.).
2. The Police Act, 1888 (III of 1888).
3. The Delhi Special Police Establishment Act, 1946 (XXV of 1946).

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

Reasons for the enactment

Attempts have been made and are being made by certain sections of the public in Patiala and East Punjab States Union to spread disaffection among members of the Police force and to induce them to refrain from doing their duty by means of threats, intimidation or otherwise. In Part A States this form of crime can be dealt with under the Police (Incitement to Disaffection) Act, 1922. But there is no corresponding law in the Patiala and East Punjab States Union. The present Bill, therefore, seeks to enact a similar law for that State.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953, has approved the enactment of this Bill.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.